Senate File 2255 - Introduced

SENATE FILE 2255
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 2202)

A BILL FOR

- 1 An Act concerning department of administrative services'
- 2 procedures regarding the designation of individuals as
- 3 ineligible for state employment and sanctions for violations
- 4 of competitive bidding procedures.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 8A.311, Code 2016, is amended by adding
- 2 the following new subsection:
- 3 NEW SUBSECTION. 23. The director shall establish by rule
- 4 sanctions for violations of competitive bidding procedures
- 5 including but not limited to requirements governing the bidding
- 6 process for a particular procurement or contract. Sanctions
- 7 shall include fines and, for an employee of an agency, possible
- 8 suspension, dismissal, or demotion.
- 9 Sec. 2. NEW SECTION. 8A.403 State agency employment —
- 10 designation-of-ineligibility procedures.
- ll l. The department may designate an individual as ineligible
- 12 to apply for; to be considered, referred, or approved for; or
- 13 to be appointed to employment by a state agency for any of the
- 14 following reasons:
- 15 a. The individual knowingly misrepresented the facts when
- 16 submitting information relating to an application, examination,
- 17 certification, appeal, or any other facet of the selection
- 18 process for employment by a state agency.
- 19 b. The individual used or attempted to use coercion,
- 20 bribery, or other illegal means to secure an advantage in the
- 21 application, examination, appeal, or selection process for
- 22 employment by a state agency.
- 23 c. The individual was convicted of a crime that is shown to
- 24 have a direct relationship to the duties of the job class or
- 25 position for which the individual wishes to be considered.
- 26 d. The individual is proven to be an unrehabilitated
- 27 substance abuser who would be unable to perform the duties of
- 28 the job class or position for which the individual wishes to be
- 29 considered or who would constitute a threat to state property
- 30 or to the safety of others.
- 31 e. The individual is not a United States citizen and
- 32 does not have a valid permit to work in the United States
- 33 under regulations issued by the United States citizenship and
- 34 immigration services.
- 35 f. The individual was terminated from employment by a state

- 1 agency for creating a hostile work environment.
- q. The individual was sanctioned pursuant to rules adopted
- 3 by the director pursuant to section 8A.311 for a violation of
- 4 competitive bidding procedures including but not limited to
- 5 requirements governing the bidding process for a particular
- 6 procurement or contract.
- 7 2. The department shall do all of the following upon a
- 8 determination that an individual is ineligible as provided in
- 9 subsection 1:
- 10 a. Notify the individual in writing within five working
- 11 days following the designation of ineligibility for employment
- 12 by a state agency. The notification shall include information
- 13 regarding the extent of the individual's ineligibility and the
- 14 process for the individual to appeal, remove, or modify the
- 15 designation of ineligibility.
- 16 b. Maintain documentation of the designation of
- 17 ineligibility, the extent of the individual's ineligibility
- 18 for employment by a state agency, proof of notification of
- 19 the individual, and any information concerning any appeals
- 20 regarding the designation.
- 21 c. Upon request by an individual determined to be
- 22 ineligible, review whether the designation of ineligibility of
- 23 the individual should be removed or modified and to notify the
- 24 individual, in writing, if the designation of ineligibility is
- 25 removed or modified.
- 26 3. An individual designated as ineligible as provided by
- 27 this section may file a written appeal to the employment appeal
- 28 board in the department of inspections and appeals for a review
- 29 of the action. The written appeal must be filed with the board
- 30 within sixty days following the notice of initial designation
- 31 of ineligibility.
- 32 4. The department shall adopt rules pursuant to chapter
- 33 17A to administer this section including establishment of a
- 34 procedure for an individual, following the time for filing an
- 35 appeal, to apply to the department for removal or modification

- 1 of a designation of ineligibility.
- 2 Sec. 3. DESIGNATION OF INELIGIBILITY NOTIFICATION
- 3 REQUIREMENTS. Individuals designated as ineligible to apply
- 4 for; to be considered, referred, or approved for; or to
- 5 be appointed to employment by a state agency, prior to the
- 6 effective date of this Act, shall be notified, in writing, by
- 7 the department of administrative services that they have been
- 8 designated as ineligible and of their rights relative to that
- 9 designation as provided in this Act.
- 10 EXPLANATION
- 11 The inclusion of this explanation does not constitute agreement with 12 the explanation's substance by the members of the general assembly.
- 13 This bill concerns procedures of the department of
- 14 administrative services (DAS) relating to sanctions for
- 15 violations of competitive bidding procedures and state employee
- 16 hiring.
- 17 Code section 8A.311, concerning competitive bidding
- 18 procedures, is amended to require the director of DAS to
- 19 establish sanctions for violations of competitive bidding
- 20 procedures. The bill provides that sanctions shall include
- 21 fines and, for state agency employees, possible suspension,
- 22 dismissal, or demotion.
- New Code section 8A.403 requires DAS to establish procedures
- 24 for designating an individual as ineligible to apply for or to
- 25 be considered or approved for or appointed to employment with a
- 26 state agency. The bill describes the permissible reasons for
- 27 designating an individual as ineligible, provides for notice
- 28 to the individual within five days following the designation
- 29 of ineligibility, and requires that documentation of the
- 30 designation be maintained by DAS.
- 31 The bill provides for the ability of an individual to
- 32 appeal the designation of ineligibility and for the ability
- 33 of the individual to request that the department review the
- 34 designation of ineligibility.
- 35 The bill also provides that individuals designated as

- 1 ineligible as of the effective date of the bill be notified
- 2 of this designation by the department in writing and of their
- 3 rights under the bill.